

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Robert Henricks

Docket Number: 05-00716-001
PACTS Number: 39935

Name of Sentencing Judicial Officer: Honorable William G. Bassler, Sr. U.S.D.J.

Name of Assigned Judicial Officer: Honorable Joseph A. Greenaway, Jr., U.S.D.J.

Date of Original Sentence: 03/07/2006

Original Offense: Conspiracy to Defraud the United States, 18 U.S.C. § 371

Original Sentence: 30 months imprisonment; 3 years supervised release.

Special Conditions: DNA collection; drug treatment or urinalysis; financial disclosure; mental health treatment; no new debt; refrain from any investment related field; restitution \$815,367; special assessment \$100.

Type of Supervision: Supervised Release

Date Supervision Commenced: 12/10/07

Assistant U.S. Attorney: Nancy Hoppock, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Anthony Martone, Esq.

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the supervision conditions which states 'You shall not commit another federal, state, or local crime.'
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The offender was arrested on August 20, 2008 by the New York City Police Department for Criminal Possession of a Controlled Substance, which is a Class A Misdemeanor. Henricks was arraigned and is pending a hearing in Queens County Criminal Court on October 7, 2008.

On September 4, 2008, Officer Robert Morabito was interviewed by the U.S. Probation Office in the Eastern District of New York. Officer Morabito, the

arresting officer, advised that on August 20, 2008, the offender was sitting in the front passenger seat of a vehicle. Police stopped the vehicle and observed the offender placing an object into his mouth. He was instructed to remove the item from his mouth and police recovered a vile of a white powder-like substance, which appeared to be cocaine.

2

The offender has violated the supervision condition which states **'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

On May 16, 2008 and June 3, 2008 the offender tested positive for marijuana use, which was confirmed by laboratory testing, with reference numbers C01006860 and C01007134.

On June 27, 2008, the offender tested positive for marijuana and cocaine, which was confirmed by laboratory testing, with reference number C01007358.

On July 9, 2008, the offender tested positive for cocaine, which was confirmed by laboratory testing, with reference number C01276723.

On July 17, 2008 and July 28, 2008, the offender tested positive for marijuana, which was confirmed by laboratory testing, with reference numbers C00926941 and C00927034.

On September 5, 2008, the offender tested positive for cocaine, which was confirmed by laboratory testing, with reference number C00510194.

3

The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

The offender failed to appear for drug treatment at Samaritan Village from July 31, through August 27, 2008 and was subsequently discharged from the treatment program.

4

The offender has violated the special condition which states **'The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.'**

Specifically, the offender missed mental health treatment appointments at Long Island Consultation Center on March 11, April 1, May 17, May 27, June 14, September 3, and September 16, 2008.

- 5 The offender has violated the supervision condition which states '**The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.**'

On September 4, 2008, the U.S. Probation Office learned that the offender was terminated from his job six weeks prior.

- 6 The offender has violated the supervision condition which states '**Restitution in the amount of \$815,367 is due immediately.**'

Since the commencement of supervision, the offender has not made any payments to date toward his restitution obligation.

I declare under penalty of perjury that the foregoing is true and correct.

Dana Hafner
By: Dana Hafner

U.S. Probation Officer

Date: 9/22/08

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
☒ The Issuance of a Summons. Date of Hearing: September 24, 2008.
☐ No Action
☐ Other

[Signature]
Signature of Judicial Officer

9-24-08

Date